

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN
VIOLATIONS REPORTED IN F.N.J. NOS. 28001-28100**

Adulteration, Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or might have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g) (1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and it failed to conform to such definition and standard; Section 403(h) (1), the article purported to be or was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

BEVERAGES AND BEVERAGE MATERIALS

28001. Coffee and chicory blend. (F.D.C. No. 46312. S. No. 82-655 R.)

QUANTITY: 84 cases, 24 cans each, and 48 cases, 12 cans each, at New Orleans, La., in possession of American Coffee Co., Inc.

SHIPPED: 6-26-61, from Uganda, Africa and Santos, Brazil.

LABEL IN PART: (Can) "New Orleans Famous French Market Coffee and Chicory 1 Lb. Net Weight * * * American Coffee Co., Inc., New Orleans, La."

RESULTS OF INVESTIGATION: The coffee was roasted, ground, and packed by the dealer from a commingled lot of green coffee beans shipped as described above. Examination showed that the article was short weight.

LIBELED: 8-23-61, E. Dist. La.

CHARGE: 403(e)(2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-22-61. Consent—claimed by American Coffee Co., Inc., and repacked.

28002. Coffee and chicory blend. (F.D.C. No. 46847. S. No. 37-716 T.)

QUANTITY: 39 cases, 12 cans each, at New Orleans, La., in possession of Arnaud Coffee Corp.

SHIPPED: Prior to 11-20-61, from outside the United States.

LABEL IN PART: (Case) "12-1 Lb. Cans New Yogi Brand Coffee and Chicory All Purpose Grind Arnaud Coffee Corp. New Orleans, La." and (can) "All Purpose Grind. Net Weight One Pound New Yogi Brand Coffee and Chicory Vacuum Packed Arnaud Coffee Corp. New Orleans, La."

RESULTS OF INVESTIGATION: The coffee was blended and packed by the dealer from ground chicory and ground coffee purchased locally after having been imported into the United States as described above. Examination showed that the article was short weight.

LIBELED: 12-19-61, E. Dist. La.

CHARGE: 403(e)(2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-17-62. Default—delivered to charitable institutions.

28003. Roasted coffee. (F.D.C. No. 46356. S. No. 9-018 T.)

QUANTITY: 131 cases, 24 cans each, at Grove City, Pa., in possession of George J. Howe Co., Inc.

SHIPPED: 7-19-61 and 8-25-61, from New York, N.Y.

LABEL IN PART: (Can) "Drip Grind Daily Delight Coffee * * * Roasted and Packed by George J. Howe Co., Inc., Grove City, Pa. Contents One Pound."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight. The coffee had been roasted and packed by the dealer from green coffee shipped as described above.

LIBELED: 10-4-61, W. Dist. Pa.

CHARGE: 403(e)(2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 11-27-61. Consent—claimed by George J. Howe Co., Inc., and repacked.

28004. Instant coffee. (F.D.C. No. 47203. S. No. 51-930 T.)

QUANTITY: 199 cases, 12 jars each, at Portland, Oreg.

SHIPPED: 1-22-62, from Chicago, Ill., by Topco Associates, Inc.

LABEL IN PART: (Jar) "Instant Food Club Coffee Giant 10 Oz. Size Distributed by Topco Associates, Inc., Skokie, Illinois * * * Net Contents 10 Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-5-62, Dist. Oreg.

CHARGE: 403(a)—when shipped, the label statement "Giant 10 Oz. Size" was false and misleading; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.